



# Town of Southern Shores

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## Ordinance No. 2005-08-02

### AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL RELATING TO AMENDING THE ZONING ORDINANCE REGARDING USER-FRIENDLY BEACH ACCESSES

Dare County, North Carolina

**BE IT ORDAINED BY THE SOUTHERN SHORES TOWN COUNCIL AS FOLLOWS:**

#### **Article I: Purpose**

The purpose of this Ordinance is to amend the Zoning Ordinance of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on July 7, 1981 and subsequently amended.

#### **Article II. Construction**

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Town Code shall be shown in italics (*italics*).

#### **Article III. Amend Section 3.02 Southern Shores Zoning Ordinance – Definition of Specific Terms and Words**

Section 3.02 of the Southern Shores Town Zoning Ordinance is hereby amended to read as follows:

COMMUNITY BEACH ACCESS: Beach Access ocean dune platforms, walks, ramps, (including Hatteras Ramps), steps, sidewalks and related accessories such as bike racks, parking areas, flagpoles and signage owned or operated by a not-for-profit entity which is constructed for, open to, and available for use by property owners, members, and their guests or by the Town.

*YARD: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the ground level of the graded lot upward, provided however that fences, walls, poles, posts, ocean dune platforms, walks, accessible ramps, steps and other customary yard accessories, ornaments, and furniture may be permitted in any*

yard subject to height limitations and requirements limiting obstruction of visibility or any other requirements of this Ordinance.

**Article IV. Amend Section 4.12 Southern Shores Zoning Ordinance –  
Ocean Dune Platforms, Walkways, Steps**

Section 4.12 of the Southern Shores Town Zoning Ordinance is hereby amended to read as follows:

*Section 4.12 Ocean Dune Platforms, Walkways, Steps.*

***INTENT:***

*Regulation of these structures is intended to preserve the natural appearance and integrity of the frontal dune and provide minimal interference with the natural accretion of sand and growth of vegetation.*

**A. OCEAN DUNE PLATFORMS.**

*Ocean Dune Platforms shall not exceed two hundred (200) square feet in area and no supporting posts shall be placed within four (4) feet of on the east side of the frontal dune. At the time of construction, ocean dune platforms will be at least eighteen (18) inches and no more than twenty-four (24) inches above the highest natural grade within the footprint of the proposed platform. No part of the platform structure, except a flagpole, shall extend more than three (3) feet above the platform deck. Permanently attached seating and areas incorporating permanently attached seating are considered part of such ocean dune platforms.*

**B. WALKWAYS, AND/OR STEPS.**

*One ~~structural~~ walkway, and/or steps are permitted across the primary dunes (Article XVI) provided that ~~they~~ the walkway and / or steps are constructed in a manner which entails negligible alterations to ~~the primary~~ any dune. Walkways and steps shall not exceed four (4) feet in width. Walkways and steps constructed on the frontal dune will reasonably follow the contour of the dune and will be placed at least 18 inches and not more than 24 inches above natural grade.*

**Article V. Amend Section 7.01 Southern Shores Zoning Ordinance –  
RS-1 Single Family Residential District**

Section 7.01 (B) of the Southern Shores Town Zoning Ordinance is hereby amended to read as follows:

**B. Permitted Uses**

*The following uses shall be permitted by right:*

- 1. Detached single-family dwelling consisting of no more than seven (7) bedrooms or septic system capacity for more than fourteen (14) people.*
- 2. Customary accessory buildings and structures including but not limited to swimming pools, tennis courts, and garages provided no living space is provided in the accessory structure. Accessory beach access walks, ramps and steps shall*

not exceed four (4) feet in width. Accessory ocean dune platforms shall not exceed two hundred (200) square feet.

3. *Home occupations as defined in Section 3.02 of this ordinance.*
4. *Town-owned or leased facilities.*
5. *Piers and docks, only when accessory to a building for which a building permit has been obtained. Piers and docks must be permitted by all applicable local, state, and federal agencies having jurisdiction. The activity associated with the pier or dock must be permitted by the zoning district where the pier or dock is anchored. No such permitted dock or pier shall extend into adjacent waters more than seventy-five (75) feet from an estuarine bulkhead, Mean High Waterline, or from a line connecting the outermost limits of the Coastal Wetlands on either side of the proposed structure, whichever is nearest the channel. Only one pier or dock is permitted per building site.*
6. *Estuarine Bulkheads. Estuarine bulkheads must be permitted by all applicable local, state, and federal agencies having jurisdiction.*
7. Community Beach Accesses including ocean dune platforms, and associated seating areas, walks, ramps and stairs. Such Community Beach Accesses may be up to six (6) feet in width and must be permitted by all applicable local, state, and federal agencies having jurisdiction.

#### **Article VI. Severability**

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

#### **Article VII: Effective Date**

This Ordinance is effective immediately upon adoption.

Adopted this the 1st day of November 2005.

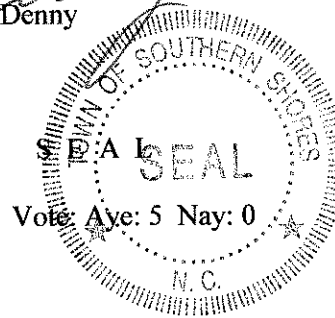
  
Mayor Hal Denny

ATTEST:

  
Carrie Gordin, Town Clerk

Approved as to form:

  
Ike McRee, Town Attorney



Date Introduced: October 4, 2005

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